

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

CHARLESTON DIVISION

CORY A. SIMPSON,

Plaintiff,

v.

Case No.: 2:13-cv-08766

OFFICER B.A. LIGHTNER,

Defendant.

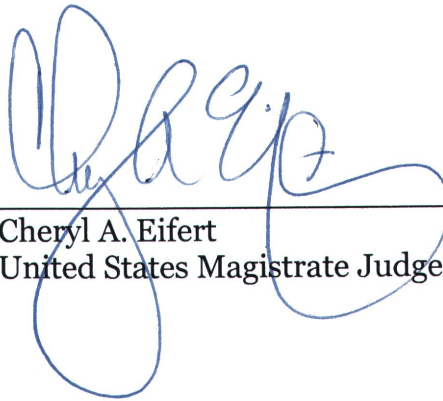
MEMORANDUM OPINION AND ORDER SEALING EXHIBIT

Pending before the Court is Defendant's Motion to Seal Exhibit 2 of his Memorandum of Law in Support of his Motion for Summary Judgment. (ECF No. 77). Due to the confidential nature of the information, this Court **ORDERS** Exhibit 2 to be sealed. The undersigned is cognizant of the well-established Fourth Circuit precedent recognizing a presumption in favor of public access to judicial records. *Ashcraft v. Conoco, Inc.*, 218 F.3d 288 (4th Cir. 2000). As stated in *Ashcraft*, before sealing a document, the Court must follow a three step process: (1) provide public notice of the request to seal; (2) consider less drastic alternatives to sealing the document; and (3) provide specific reasons and factual findings supporting its decision to seal the documents and for rejecting alternatives. *Id.* at 302. In this case, Exhibit 2 shall be sealed and will be designated as sealed on the Court's docket. The Court deems this sufficient notice to interested members of the public. The Court has considered less drastic alternatives to sealing the document, but in view of the confidential nature of the

information, and the format on which the information is contained, no such alternatives are feasible at this time. Moreover, the exhibit has no particular relevance to the general public. Accordingly, the Court finds that sealing Exhibit 2 does not unduly or significantly prejudice the public's right to access court documents.

The Clerk is instructed to provide a copy of this Order to the Plaintiff and all counsel of record.

ENTERED: September 9, 2014

A handwritten signature in blue ink, appearing to read 'Cheryl A. Eifert', is written over a horizontal line. Below the line, the name and title are printed.

Cheryl A. Eifert
United States Magistrate Judge